

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NAT'L FINANCIAL GROUP, INC.,	:	
	:	
Plaintiff,	:	Civil Action No. 05-4197 (FSH)
	:	
v.	:	REPORT & RECOMMENDATION
	:	
CAJUN OPERATING CO.,	:	
	:	
Defendant.	:	

This matter having come before the Court by way of letter dated January 24, 2007, in which the defendant advises the Court that the plaintiff failed to provide its portion of the joint proposed final pretrial order as required by the Order dated January 16, 2007;

and the Court having set forth on the record on January 16, 2007 the events that support its recommendation that the United States District Judge dismiss the Complaint and enter judgment in favor of the defendant on its counterclaims absent plaintiff's compliance with its obligation to produce its version of the joint proposed final pretrial order;

and the plaintiff having continued to fail to comply with orders that it submit its portion of the joint proposed final pretrial order;

and for the reasons set forth on the record on January 16, 2007;

and for good cause shown,

IT IS ON THIS 24th day of January, 2007

RECOMMENDED that United States District Judge dismiss the Complaint and enter judgment in favor of the defendant on its counterclaims pursuant to Fed. R. Civ. P. 37. The parties have ten (10) days from receipt of this Recommendation to file and serve objections; and

IT IS FURTHER ORDERED that defense counsel shall serve a copy of this Report and Recommendation upon the plaintiff's counsel by regular mail and certified mail/return receipt requested.

s/Patty Shwartz
United States Magistrate Judge